Attorney's Docket No. 5670-17   PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Cheng et al.   Confirmation No.: 1071
Serial No.: 10/609,987   Group Art Unit: 2176
Filed: June 30, 2003   Examiner: Singh, Rachna
For: **Methods, Systems And Computer Program Products For Language Independent
        Data Communication And Display**

                                        Date May: 12, 2008

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41

Sir:

        This Reply Brief is filed in response to the Examiner's Answer mailed March 20,

2008.

        It is not believed that an extension of time and/or additional fee(s) are required,

beyond those that may otherwise be provided for in documents accompanying this paper. In

the event, however, that an extension of time is necessary to allow consideration of this

paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional

fees believed to be due in connection with this paper may be charged to Deposit Account No.

50-0220.

I.   The Examiner's Answer – Response to Arguments (starting at Page 17)

        Appellants will refrain herein from readdressing all of the deficiencies with the

pending rejections and, therefore, in the interest of brevity, Appellants hereby incorporate

herein the arguments set out in Appellants' Brief on Appeal as if set forth in their entirety.

Accordingly, Appellants will only address new arguments made in the Examiner's Answer.

Appellants believe that the Board may find this helpful in evaluating the propriety of the

pending rejections.

A.   Independent Claims 1 and 44

With respect to independent Claims 1 and 44, the Examiner's Answer first states that the Examiner disagrees with Appellants' arguments that message type is being given an overly broad interpretation as the "Examiner is unable to find an alternate definition or interpretation of the 'message type' in the Specification." *See* Examiner's Answer, page 17. As an initial matter, Appellants note this statement indicates a failure to understand Appellants basic point that the message type is of the <u>received</u> data record, **not** the <u>formatted</u> data record. In contrast, the Final Action relies on the various possible output forms ("such as HTML, XML, WML, HDML, and VoiceXML") as disclosing the recited plurality of message types. Final Action, pp. 4, 16-17. Thus, regardless of whether these output formats may be properly considered different message types they neither disclose nor suggest different message types of the received data, just of the formatted output generated from the data.

In addition, the present specification clearly describes a message type as being a type associated with data values included in the received data record. For example, the specification describes "a variety of message types associated with different data generation applications." Specification, p. 21, lines 25-26. The specification further states "application programmers may wish to vary the language independent/neutral format for data values in a particular message type. For example, they may wish to add a new data format for a distinct type of data values." Specification, p. 22, lines 8-10. Particular types of data values are also described, which description provides a clear understanding of the context and meaning of message type in the present application. As stated in the specification:

> The data values may be, for example, numerical values and/or event indicators. In some embodiments of the present invention, the numerical values relate to network resource utilization, performance, availability, configuration, security and/or systems information. The network resource may be, for example, data processing systems, applications and/or network resources. The data may include a variety of different formats of data such as date values, time values, strings, text characters, integer number, floating point numbers and/or currency.

Specification, p. 22, line 25 to p. 23, line 3.

The Examiner's Answer further states that Vora discloses that "in order to translate the document into a specific format or message type, the transformation framework determines the interface receiving the document." Examiner's Answer, page 18. Regardless of the accuracy of this characterization of Vora, this description clearly shows that Vora does not

disclose a message type of the received data record, but instead describes varied output formats, as discussed previously herein.

Finally, with respect to the rejections of the independent claims, the Examiner's Answer further states that it is unclear how a data record "can have a message type selected from a plurality of message types until a stylesheet is actually applied to it. In other words, the data record does not just exist in multiple formats (i.e., HTML, HDML, VoiceXML)." Examiner's Answer, p. 19. This statement shows confusion over the difference between a message type based on data values in the received data record (i.e., content of the received data record) and the formatting protocol used in encoding the data record for transmission. As explained above, the different message types are not related to the formatting protocol standard used, such as HTML, the message types relate to the substance of the contained data values. For example, included "date values, time values, strings, text characters, integer number, floating point numbers and/or currency" in a data record may vary and require the use of different style sheets, not only for different languages but for different types of data values. *See*, Specification, p. 23, lines 1-3.

Accordingly, Appellants respectfully submit that the rejections with respect to Claims 1 and 44 and the claims that depend therefrom should be reversed for the reasons discussed herein and in Appellant's Brief on Appeal.

B.   Independent Claims 27, 32, 46 And 48

With respect to independent Claims 27, 32, 46 and 48, the Examiner's Answer acknowledges Painter fails to disclose a markup document including an identification of a style sheet. Examiner's Answer, p. 20. However, the Examiner asserts Vora is relied on for such recitations of the claims. Examiner's Answer, p. 20. However, the reliance on Vora for these rejections, as with the rejections of independent Claims 1 and 44 fails for reasons substantially similar to those discussed with reference to a message type above. In addition, the Examiner's Answer, for the first time, asserts a reliance on paragraphs 78-83 of Vora disclosing an embodiment in which "conversion can be controlled using a cascading stylesheet." Examiner's Answer, p. 21. However, the entirety of the description of the embodiment now relied on it in paragraph 81 of Vora. Nothing in this paragraph indicates the Expand operation is not initiated by the application programmer, just that a cascading style sheet may be used to control the expanding of the data.

In re: Cheng et al.
Serial No.: 10/609,987
Filed: June 30, 2003
Page 4

Accordingly, Appellants respectfully submit that the rejections with respect to Claims 27, 32, 46 and 48 and the claims that depend therefrom should be reversed for the reasons discussed herein and in Appellant's Brief on Appeal.
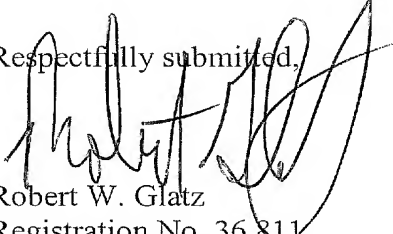
C. The Remaining Claims

The Response to Arguments section of the Examiner's Answer also specifically discusses Appellants' arguments related to separate patentability of ones of the dependent claims. Examiner's Answer, p.21-22. However, the comments in the Response to Arguments section appear merely to repeat the grounds of rejection as previously presented and raise no new issues for discussion in this Reply Brief.

II. Conclusion

For the reasons set forth in above and in Appellants' Brief on Appeal, Appellants request reversal of the rejections of the claims, allowance of the claims and passing of the application to issue.
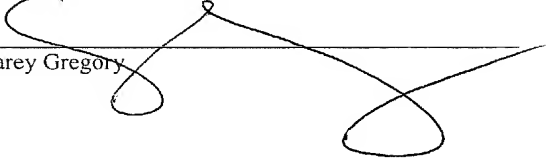
Respectfully submitted,

Robert W. Glatz
Registration No. 36,811
Attorney for Appellants

Customer No. 54414
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 12, 2008.

Carey Gregory